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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,723	05/26/2000	David E. Grober	032511-002	9904

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CISLO & THOMAS, LLP  
233 WILSHIRE BLVD  
SUITE 900  
SANTA MONICA, CA 90401-1211

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 10/30/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/579,723

Applicant(s)  
David E. Grober

Examiner  
Christopher Mahoney

Art Unit  
2851



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 20, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-7, 10-17, and 21-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6, 7, 10-17, 22-24, 26, 28-36, 38, and 42-45 is/are allowed.
- 6) ☒ Claim(s) 5, 21, 25, 37, and 40 is/are rejected.
- 7) ☒ Claim(s) 27, 39, and 41 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: Claim 14 recites "self correcting of the payload platform ... by a second sensor". Claim 14 already introduced the second sensor previously in the claim. The examiner therefore believes the second recitation of "a second sensor" should actually be --the second sensor--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5, 21 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Buell (U.S. Pat. No. 4,070,674). Buell teaches a stabilized platform comprising a payload platform for supporting a swiveling gun station, a base (the aircraft), a stabilizing system connecting the payload to the base including at least two motors 367, 377 for rotating the platform, a first sensor package for determining motion of the vehicle (figure 1), and a second sensor package including at least one level sensor fixed to the payload platform 200, 201, and a control system for stabilizing the platform based on information provided by the first sensor package and the second

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sensor package 206. The applicant is directed to review the abstract, figures 1-3, and 7 as well as column 2, lines 7-10, and column 9, lines 23-44.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buell (U.S. Pat. No. 4,070,674) in view of Walrath (U.S. Pat. No. 5,050,087). Buell teaches the salient features of the claimed invention except for the second sensor package where the controller controls the platform to compensate for errors in the first sensor package. Walrath teaches that it was known to utilize a second sensor package to correct for errors in the first sensor package. The applicant is directed to review column 1, line 65 to column 2, line 7. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Walrath for the purpose of compensate for drift errors.

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***Allowable Subject Matter***

6. Claims 2-4, 6-7, 10-17, 22-24, 26, 28-36, 38, 42-45 are allowed.
7. Claims 27, 39 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 5, 21, 25, 37, and 40 have been considered but are moot in view of the new ground(s) of rejection. The applicant argues that both sensors monitor motion of the object/base. However one sensor monitors the position of the base (the aircraft) while the other sensor, level sensors on the platform, measure movement of the platform with respect to a level position.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. The examiner can normally be reached 8:00 AM to 5:30 PM Monday through Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached at (703) 308-2847. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CM  
October 21, 2002



**Christopher E. Mahoney**  
**Primary Examiner AU2851**